

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LARSEN LEASING LIMITED.,)
Plaintiff,)
v.)
COMDATA CORPORATION,)
Defendant.)
No. 08 L 001121
Transferred to Federal Court
No. _____

NOTICE OF REMOVAL

Defendant Comdata Corporation (“Comdata”), by and through its attorneys, David E. Stevenson and Brian Y. Boyd, hereby files its Notice of Removal of this cause from the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §§ 1441 (a) and (b) and 28 U.S.C. § 1446.

This action is removable pursuant to 28 U.S.C. §§ 1441 (a) and (b) because it is a civil action of which this Court has original jurisdiction; because none of the parties in interest properly joined and served as defendants is a citizen of the State of Illinois, in which the action is brought; because the Northern District of Illinois, Eastern Division, is the District Court of the United States embracing the place where the action is pending; and because this Notice is timely, all as set forth more fully below in accordance with 28 U.S.C. § 1446 (a):

1. On or about January 31, 2008, the plaintiffs filed a Verified Complaint, a true and accurate copy of which is attached hereto and incorporated herein by reference as **Exhibit A**, in

the Circuit Court of Cook County, Illinois, alleging breach of contract by Comdata in the amount of \$81,823.28, exclusive of interest and costs. See Exhibit A, ¶¶ 9-12 and prayer for relief.

2. Plaintiff Larsen Leasing Limited is an Illinois Corporation with its principal place of business in Bensenville, Cook County, Illinois. See Exhibit A, ¶ 1. Comdata is a Maryland Corporation with its principal place of business in Brentwood, Tennessee. See Declaration of Lisa Peerman, attached hereto as **Exhibit B**, ¶ 3.

3. This Court therefore has original diversity jurisdiction of this civil action pursuant to 28 U.S.C. § 1332 (a)(1) because the matter in controversy, exclusive of interest and costs, exceeds the sum of \$75,000, and because the action is between citizens of different states.

4. On March 5, 2008, plaintiff served a Summons and Verified Complaint upon Comdata's registered agent for service of process in Nashville, Tennessee. True and accurate copies of the Summons, together with the respective affidavits of service, are attached hereto as Group **Exhibit C**. This notice of removal has therefore been filed within (30) days after receipt of the complaint as required by 28 U.S.C. §1446(b).

5. Exhibits A and C together constitute copies of all process, pleadings and orders served upon Comdata in the action, pursuant to 28 U.S.C. § 1446(a).

6. Pursuant to 28 U.S.C. § 1446 (d), Comdata hereby gives plaintiff, through its attorney of record, written notice of the filing of this Notice of Removal. Comdata will promptly file this Notice of Removal with the Clerk of the Circuit Court of Cook County, Illinois.

WHEREFORE, Comdata Corporation, hereby gives notice that the matter styled as *Larsen Leasing Limited, v. Comdata Corporation*, Case No. 08 L 001121, previously pending in the Circuit Court of Cook County, Illinois, is now removed to the United States District Court for the Northern District of Illinois, Eastern Division pending further order of that Court.

Respectfully submitted

By: s/ Brian Y. Boyd

One of the Attorneys for Defendant
Comdata Corporation

Dated March 20, 2008

David E. Stevenson (des@willmont.com)
Brian Y. Boyd (byb@willmont.com)
WILLIAMS MONTGOMERY & JOHN LTD.
Attorneys for Comdata Corporation
20 North Wacker Drive, Suite 2100
Chicago, Illinois 60606
312-443-3200

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that a copy of this Notice of Removal was served upon the following individuals by placing said instrument in a postage paid envelope and placing it in the United States mail at 20 N. Wacker Drive, Chicago, Illinois on the 20th day of March, 2008.

Brad S. Grayson
Peter D. Kaiser
Attorneys for Plaintiff
Strauss & Malk LLP
135 Revere Drive
Northbrook, Illinois 60062

s/ Brian Y. Boyd
Brian Y. Boyd, Esq.

EXHIBIT A

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, LAW DIVISION

LARSEN LEASING LIMITED,

08L001121

Plaintiff,

No. _____

v.

COMDATA CORPORATION

Defendant.

06 JAN 2012
CLERK OF CIRCUIT COURT
SECOND DISTRICT
COOK COUNTYVERIFIED COMPLAINT

Plaintiff, Larsen Leasing Limited ("Larsen"), by its attorneys, Strauss & Mark LLP, for its Verified Complaint against defendant, Comdata Corporation ("Comdata"), alleges:

1. Larsen is an Illinois corporation with its principal place of business in Bensenville, Cook County, Illinois. Larsen is in the trucking business.
2. Comdata is a corporation which does business in Illinois. Comdata is in the business of providing credit and credit related services to, among others, trucking and transportation companies.
3. Beginning in or about early 2000, Larsen and Comdata entered into an agreement pursuant to which Larsen agreed to open an account with Comdata pursuant to which Comdata would provide express checks and fuel cards for payments on Larsen's account to third party vendors who provided products or services to Larsen and its drivers. Larsen then provided Comdata with a list of individuals who were authorized to contact Comdata and direct Comdata to make payments by express checks or issue fuel cards against Larsen's account with Comdata to third party vendors who provided products or services to Larsen and its drivers.



4. During relevant times in 2006 and 2007, Tracy Morley ("Morley") was a low level Larsen employee. Larsen never at any time authorized Morley to contact Comdata and instruct it to issue checks or fuel cards to anyone. Larsen also never at any time provided Comdata with authorization to allow Morley to direct Comdata to issue express checks or fuel cards against Larsen's account to anyone. And, Larsen never did anything to hold Morley out as having the authority to direct Comdata to issue express checks or fuel cards against Larsen's account to anyone.

5. Nonetheless, between March 2006 and June 2007, Morley, without any authorization from Larsen, contacted Comdata and instructed Comdata to issue checks to herself and others on Larsen's account (the "Unauthorized Checks").

6. Comdata then, at Morley's sole direction, issued the Unauthorized Checks to Morley and others. Comdata did so without ever doing anything to verify Morley's authority at Larsen to direct the issuance of checks on Larsen's account with Comdata.

7. All of the Unauthorized Checks were issued for unauthorized purposes and Larsen did not receive any benefit from the issuance of the Unauthorized Checks.

8. However, Comdata charged the Unauthorized Checks against Larsen's account with Comdata.

9. The total amount of the Unauthorized Checks was \$81,823.28.

10. Upon discovering the Unauthorized Checks and the unauthorized charges against its account, Larsen contacted Comdata and demanded a credit in the amount of, or the return or refund of, the \$81,823.28 charged against its account without proper authorization. In the alternative, Larsen demanded that Comdata provide it with some evidence that the charges were properly authorized by Larsen.

11. Comdata has failed and refused to respond to Larsen's demand, and more particularly has failed and refused, despite demand, to issue a credit or refund for the \$81,823.28 charged against Larsen's account.

12. Comdata's conduct in refusing to provide Larsen a credit or refund in the amount of \$81,823.28 in the absence of evidence that the charges were authorized by Larsen is willful and vexatious.

WHEREFORE, Plaintiff Larsen Leasing Limited prays that this Court enter judgment in its favor and against defendant Comdata Corporation in the amount of \$81,823.28, plus prejudgment interest at the rate of 5% per annum running from the date of its demand for a refund of that sum through the date of judgment, plus costs of suit and such other and further relief as the Court deems just and appropriate.

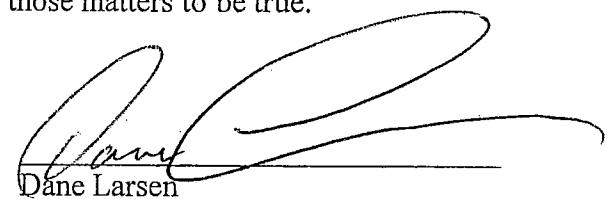
LARSEN LEASING LIMITED

By: 
One of Its Attorneys

Brad S. Grayson
Peter D. Kaiser
Strauss & Malk LLP (Atty. No. 32031)
135 Revere Drive
Northbrook, Illinois 60062
(847) 562-1400

Verification

Under penalties for perjury as provided by law, I certify that the statements set forth in this instrument are true and correct, except as to matters herein stated to be on information and belief and as to such matters I certify that I believe those matters to be true.



A handwritten signature in black ink, appearing to read "Dane Larsen".

Dane Larsen

EXHIBIT B

27759.00I9AO

Document #: 768950

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LARSEN LEASING LIMITED.,)	
)	
Plaintiff,)	
)	No. 08 L 001121
v.)	Transferred to Federal Court
)	
)	No. _____
COMDATA CORPORATION,)	
)	
Defendant.)	

DECLARATION OF LISA PEERMAN

1. My name is Lisa Peerman. I am an adult over the age of twenty-one and declare under penalty of perjury that, if called as a witness in this proceeding, I would competently testify as follows.

2. I am currently Senior Vice President and General Counsel of Comdata Network, Inc., 5301 Maryland Way, Brentwood, Tennessee 37027, d/b/a Comdata Corporation.

3. Comdata Corporation is incorporated in the State of Maryland, and has its principal place of business in Brentwood, Tennessee.

FURTHER DECLARANT SAYETH NOT.

I declare in Williamson County under penalty of perjury under the laws of the United States of America and the Commonwealth of Tennessee that the foregoing is true and correct.





Lisa Peerman

March 20, 2008
Date

David E. Stevenson (des@willmont.com)
Brian Y. Boyd (byb@willmont.com)
WILLIAMS MONTGOMERY & JOHN LTD.
Attorneys for Comdata Corporation
20 North Wacker Drive, Suite 2100
Chicago, Illinois 60606
312-443-3200

EXHIBIT C



DAVIDSON COUNTY SHERIFF'S OFFICE
CIVIL WARRANT DIVISION
710 SOUTH 5TH STREET 15
NASHVILLE, TN 37206

615-862-8174
FAX 615-862-8281

DATE: 3-5-08

DOROTHY BROWN
CLERK OF CIRCUIT COURT
LAW DIVISION

IN RE: Larsen Leasing Limited
PETITIONER/PLAINTIFF

VS

Comdata Corporation
DEFENDANT/RESPONDENT

HOME ADDRESS

1900 Church Street, Nashville, TN 37201

WORK ADDRESS

OTHER ADDRESS

Docket Number: IL-08L1121

Issuing Court Circuit

AFFIDAVIT OF SERVICE

C. Prater

Before me personally appeared Deputy Sheriff C. Prater, well known to me to be the person who has executed this affidavit and after being placed under oath, testified that he/she, acting in his capacity as Deputy Sheriff of Davidson County, Tennessee, caused a copy of the complaint and summons in the above styled matter to be served upon:

Served KIn Irvin, registered agent for Comdata Network, Inc d/b/a Comdata Co.
NAME OF PERSON DEPUTY SERVED WITH LEGAL PROCESS AT THE ADDRESS LISTED, as provided for under Tennessee statutes.

"NOT TO BE FOUND" AFFIDAVIT OF SERVICE

Before me personally appeared Deputy Sheriff C. Prater, well known to me to be the person who has executed this affidavit and after being placed under oath, testified that he/she, acting in his capacity as Deputy Sheriff of Davidson County, Tennessee, attempted service of the complaint and summons in the above styled matter on:

And it was returned "Not To Be Found In My County" at the address listed, as provided for under Tennessee statutes.

DEPUTY SHERIFF SIGNATURE

111 0951/0452

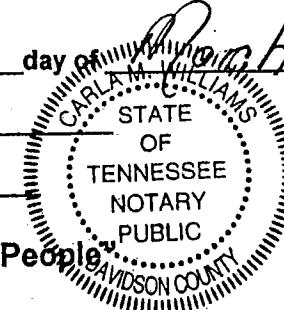
Date 3-5 2008

Sworn to and subscribed to before me this 6 day of March 2008

Notary Signature Carla M. Williams

MY COMMISSION EXPIRES:
September 25, 2010

My commission expires September 25, 2010



"People Serving People"

EXHIBIT

C

2120 - Served
 2220 - Not Served
 2320 - Served By Mail
 2420 - Served By Publication
 SUMMONS

2121 - Served
 2221 - Not Served
 2321 - Served By Mail
 2421 - Served By Publication
 ALIAS - SUMMONS

7/25 ()

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
 COUNTY DEPARTMENT, LAW CLERK DOROTHY BROWN DIVISION
 LAW CIRCUIT COURT
 LAW DIVISION

(Name all parties)

LARSEN LEASING LIMITED,

v.

No. 08 L 1121

OP-10

COMDATA CORPORATION

SUMMONS

Please Serve: National Registered Agent Inc., Registered agent for Comdata Network, Inc., d/b/a Comdata Corp., 1900 Church St., Suite 400 Nashville, TN 37201

To each Defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file your appearance, and pay the required fee, in the Office of the Clerk of this Court at the following location:

<input checked="" type="checkbox"/> Richard J. Daley Center, 50 W. Washington, Room 801	, Chicago, Illinois 60602
<input type="checkbox"/> District 2 - Skokie 5600 Old Orchard Rd. Skokie, IL 60077	<input type="checkbox"/> District 3 - Rolling Meadows 2121 Euclid Rolling Meadows, IL 60008
<input type="checkbox"/> District 5 - Bridgeview 10220 S. 76th Ave. Bridgeview, IL 60455	<input type="checkbox"/> District 6 - Markham 16501 S. Kedzie Pkwy. Markham, IL 60426
<input type="checkbox"/> District 4 - Maywood 1500 Maybrook Ave. Maywood, IL 60153	
<input type="checkbox"/> Child Support 28 North Clark St., Room 200 Chicago, Illinois 60602	

You must file within 30 days after service of this Summons, not counting the day of service.
 IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF REQUESTED IN THE COMPLAINT.

To the officer:

This Summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this Summons shall be returned so endorsed. This Summons may not be served later than 30 days after its date.

Atty. No.: 32031

Name: Peter D. Kaiser - Strauss & Malk LLP

Atty. for: Plaintiff

Address: 135 Revere Drive

City/State/Zip: Northbrook, IL 60062

Telephone: 847-562-1400

Service by Facsimile Transmission will be accepted at:

WITNESS,

FEB 27 2008

Clerk of Court

Date of service:

(To be inserted by officer on copy left with defendant or other person)

(Area Code) (Facsimile Telephone Number)

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

X Kim Brown